IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

HON'BLE Mr. JUSTICE R. SUBHASH REDDY

Writ Petition No.24973 OF 2006

Dated: August 23, 2007

Between:

Dr. K. Jaya Shyam Sunder, W/o. Shyam Sunder, aged 35 years, R/o. Plot No.104, Viswapriya Residency, Tyagarayanagar, Gaddiannaram, Kothapet, Hyderabad.

… Petitioner

And

NTR University of Health Sciences, Andhra Pradesh, Vijayawada, rep. by its Registrar, and others.

… Respondents

Order:

Petitioner, an applicant for Postgraduate course in Medicine in the first respondent, Dr. N.T.R. University of Health Sciences, has filed this writ petition seeking Mandamus to direct respondents 1 and 2 to enquire into the social status of the fourth respondent, consequently cancel the admission of the fourth respondent into Postgraduate

course in M.S. Obstetrics and Gynecology, and to allot the resultant seat to her.

2. I have heard Sri G. Vidyasagar, learned counsel for the petitioner, Sri D.V. Nagarjuna Babu, learned Government Pleader for Social Welfare for respondents 1 and 2 respectively and also Sri D.V. Sitarama Murthy for the fourth respondent.

3. Petitioner and the fourth respondent herein, who have completed their M.B.B.S. course, appeared for Postgraduate Medical entrance test for the academic year 2006-07. Petitioner secured 1589th rank in the entrance test, whereas fourth respondent secured 864th rank. Both of them claimed seats in the quota reserved for Scheduled Caste candidates under Women category. Fourth respondent claimed a seat under the said category on the basis of a certificate issued to that effect by the competent authority. As fourth respondent was a better rank-holder than the petitioner in the said category, she was granted admission in M.S. Obstetrics and Gynecology in Osmania Medical College, and the petitioner was granted admission in Diploma in Obstetrics and Gynecology.

4. The grievance of the petitioner is that as much as fourth respondent is an offspring of an inter-caste marriage between her father, who belongs to 'Naidu' community, and her mother, who belongs to 'Madiga' community, a notified Scheduled Caste, her admission into the said course under the reserved category is illegal.

5. Fourth respondent has filed counter affidavit stating that the competent authority has issued caste certificate to her, certifying that she belongs to Scheduled Caste and basing on the same, she was granted admission into M.S. Obstetrics and Gynecology, and hence it

is not open for the first respondent-university to enquire into her caste status at this stage.

6. Fifth respondent has also filed a separate counter affidavit stating that petitioner submitted representation dated 19-03-2007 to the District Collector, Guntur requesting to enquire into the social status of the fourth respondent, which was in turn forwarded to him by proceedings dated 28-03-2007. It is stated that the matter is posted several times for conducting enquiry, but it is being adjourned from time to time and is pending consideration. It is further stated that though sufficient opportunity is given, petitioner did not appear to prove the allegations leveled by her.

7. It is not in dispute that fourth respondent was granted admission into the aforementioned course basing on the certificate issued to her by the competent authority under the provisions of the A.P. (Scheduled Castes, Scheduled Tribes and Backward Classes) Regulation of issue of Community Certificates Act, 1993 ('the Act' for brevity) and when the said certificate is in force, no direction can be given to cancel the admission granted to her. However, as the representation submitted by the petitioner to the District Collector, Guntur has already been transmitted to the fifth respondent, Mandal Revenue Officer, Guntur and the matter is pending enquiry before him, I dispose of the writ petition directing the fifth respondent to complete the enquiry initiated pursuant to the representation of the petitioner dated 19-03-2007, as expeditiously as possible, preferably within a period of four months from the date of receipt of a copy of this order. The fifth respondent shall given reasonable opportunity to the petitioner as well as the fourth respondent to put forth their cases and pass appropriate orders. No order as to costs.

JUSTICE R. SUBHASH REDDY.

August 23, 2007
MRR